



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

January 28, 2021

Roger W. Gingles  
Assistant Secretary  
Louisiana Department of Environmental Quality  
Office of Environmental Assessment  
P.O. Box 4314  
Baton Rouge, LA 70821-4314

RE: Final submission of revisions to Louisiana Administrative Code, Title 33, Part IX, Chapter 11,  
Surface Water Quality Standards (WQ097)

Dear Mr. Gingles:

The Environmental Protection Agency (EPA) has completed its review of the revisions to *Louisiana Administrative Code, Title 33, Part IX, Chapter 11, Surface Water Quality Standards*. The revisions to the state's surface water quality standards (WQS) were adopted by the Louisiana Department of Environmental Quality (LDEQ) on November 20, 2020. These revisions were submitted for EPA review via letter dated December 8, 2020 by the LDEQ, as required under federal regulations at 40 CFR § 131.5, along with an attorney's statement certifying that the revised WQS were adopted pursuant to the laws of the state of Louisiana. The EPA received the WQS submission on December 8, 2020.

In today's action, the EPA is approving the new and/or revised provisions detailed in the enclosed Technical Support Document (TSD) pursuant to Clean Water Act (CWA) §303(c) and its implementing regulations at 40 CFR Part 131. The approved provisions include non-substantive revisions to language in §§1101 and 1107, new and revised definitions in §1105, new and revised language in §1109 regarding antidegradation policy, water quality standards variances, and the classification of naturally dystrophic waters in the state, updates to Tables 1 and 1A, and associated footnotes, in §1113, including the adoption of freshwater ammonia criteria in Table 1A and the description of LDEQ's authority to grant the use of the Biotic Ligand Model (BLM) for deriving site-specific copper criteria utilizing EPA BLM procedures, substantive and non-substantive changes to language in §§1115, 1119, and 1121, and the revised descriptions and boundaries of a significant number of subsegments listed in Table 3 of §1123.

The EPA is taking no action on the continued listing of seasonal dissolved oxygen criteria listed in Table 3 of §1123 for 31 subsegments in the eastern Lower Mississippi River Alluvial Plains ecoregion previously vacated by court order on February 25, 2019. The EPA is likewise taking no action on changes made to the subsegment boundary descriptions for two subsegments (subsegments 031002 and 041901), also found in Table 3. A full discussion of the EPA's determination to not act on these portions of the state's water quality standards is provided in the enclosed TSD.

As part of the EPA's 2015 WQS regulation revision, it amended 40 CFR § 131.20(a) requiring any state that chooses not to adopt new or revised criteria for any parameters for which the EPA has published new or updated criteria recommendations under CWA § 304(a) to explain its decision when reporting the results of its triennial review to the EPA. The goal of this revised provision was to ensure public transparency about state WQS decisions. In response, on November 22, 2019, LDEQ provided the requisite documentation describing Louisiana's evaluation of all parameters having new or updated criteria recommendations published by the EPA since May 30, 2000. The EPA appreciates LDEQ's provision of this information and looks forward to working with the state in its continued evaluation of these criteria in future revisions.

The approval of new and revised water quality standards is subject to the results of consultation under section 7(a)(2) of the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires that federal agencies consult with the U.S. Fish and Wildlife Service (Service) and National Marine Fisheries Service, as appropriate, to ensure that actions they take, fund, or authorize are not likely to jeopardize the continued existence of listed species or result in the adverse modification or destruction of habitat. That consultation has been concluded with the Service's acknowledgement, via mail correspondence dated January 19, 2021, that the EPA's approval of Louisiana's statewide freshwater ammonia criteria is not likely to adversely affect threatened or endangered species or critical habitat in the state.

I appreciate the LDEQ's efforts in support of the review of these revised provisions of state water quality standards. If you have any questions or concerns, please contact me at 214-665-8138, or contact Mike Schaub at 214-665-7314 or [schaub.mike@epa.gov](mailto:schaub.mike@epa.gov).

Sincerely,



Charles W. Maguire  
Director  
Water Division

Enclosure: Technical Support Document

ecc: Letter and Enclosure

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